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GAMBLING COMMISSION  
COMM & LEGAL DIVISION

STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE WASHINGTON STATE GAMBLING COMMISSION

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APR 26 2011

GAMBLING COMMISSION  
COMM & LEGAL DIVISION

In the Matter of the Suspension or  
Revocation of the License to Conduct  
Gambling Activities of:

TERRI TRONSON,

Licensee.

OAH DOCKET NO. 2011-GMB-0011

WSGC No. CR 2011-000017

ORDER OF DEFAULT  
(Failure to Appear at Hearing)

### 1. ORDER SUMMARY

- 1.1 Licensee failed to appear for hearing and therefore Licensee defaulted. Based upon Licensee's default, the penalties specified in the Notice of Hearing in this matter shall be imposed, subject to further Gambling Commission action.
- 1.2 Based upon Licensee's default, Licensee's Application for Hearing shall be dismissed.

### 2. HEARING

- 2.1. **Administrative Law Judge:** Douglas H. Haake
- 2.2. **Date of Hearing:** April 19, 2011
- 2.3. **Licensee:** Terri Tronson
  - 2.3.1 **Licensee Representative:** None of Record/None Appeared
- 2.4 **Agency:** Washington State Gambling Commission
  - 2.4.1 **Agency Representative:** H. Bruce Marvin, Assist. Attorney General

### 3. STATEMENT OF THE CASE

- 3.1 A hearing was scheduled on this matter for April 19, 2011, at 9:00 am. The Notice of Hearing was mailed to the licensee on March 2, 2011, and informed Licensee that Licensee was required to attend a hearing before an Administrative Law Judge of the Washington Office of

Administrative Hearings. The Notice of Hearing further informed the Licensee of the time and location of the hearing and set forth an abbreviated statement of the facts upon which the Gambling Commission relied in seeking the penalties set out in the Notice of Hearing. The Notice of Hearing further informed the Licensee that, "If [Licensee] fails to attend the scheduled telephonic stay hearing, . . . the [Administrative Law Judge] will enter a default order to revoke Ms. Tronson's certification under RCW 34.05.440."

- 3.2 The Administrative Law Judge timely convened the hearing as set forth in the Notice of Hearing. The Washington State Gambling Commission timely appeared through its above-named representative. The Administrative Law Judge waited an additional 30 minutes past the scheduled hearing start time. The Licensee did not appear.
- 3.3 Following the Licensee's non-appearance, the Gambling Commission moved for a default order of penalty consistent with the penalty stated to occur in the Notice of Hearing if the Licensee failed to participate in the hearing.

#### *Prima Facie Case*

- 3.4 The Gambling Commission put on a *prima facie* case in support of its motion. Exhibits 1 through 15 were admitted into evidence. Special Agent Stephanie Beach established her experience and training. She further testified to the particulars of her investigation.
- 3.5 During a routine background check conducted when the licensee requested renewal of his license, it came to the Commission's attention that the licensee was arrested and charged on June 16, 2009 with DUI, Assault III (substantial pain), Malicious Mischief, and Resisting Arrest
- 3.6 The investigator secured certified copies of the Washington Judicial Information System (JIS) case history for the licensee. Exhibit 2. This exhibit contains the case number, identifies the law enforcement agency involved, identifies the court in which charges were filed, provides the violation date; identifies the type of violation, and gives case status.
- 3.7 Based on that exhibit, the investigator secured case documents. Exhibits 7 through 11, Information, Affidavit of Probable Cause, First Amended Information, Statement of Defendant on Plea of Guilty to Non-Sex Offense, Judgment and Sentence.
- 3.8 The Affidavit of Probable Cause is an affidavit the Deputy Prosecuting Attorney based on review of information received from the Whatcom

County Sheriff's Office. The affidavit provides that on June 12, 2009, at 1:30 am, a deputy observed a vehicle travelling erratically. The deputy pulled the vehicle over and made contact with the driver, identified as Terri Tronson. The deputy smelled an odor of intoxicants and observed that the driver's eyes were watery and bloodshot. The driver admitted drinking six beers and performed poorly on field sobriety tests. The deputy gave the driver a portable breath test which returned a sample of .188. Exhibit 8.

- 3.9 When the deputy attempted to arrest licensee, she resisted and refused the deputy's direction. During the attempt to arrest the licensee, she kicked an assisting deputy in the thigh, pushing him backwards. She also spit on the deputy, hitting his gun belt and shoulder.
- 3.10 Once the deputies had licensee under control, she was placed into a patrol vehicle where she spit on and kicked the vehicle, breaking a window.
- 3.11 In November 2009, the licensee disclosed in her application for license renewal that she had been arrested for the charges noted above. Exhibits 3 and 4.
- 3.12 On January 20, 2010, an Amended Information was filed, dropping the Malicious Mischief and Resisting Arrest charges.
- 3.13 On January 21, 2010, the licensee entered guilty pleas to Assault III and DUI. Exhibit 10. The licensee was sentenced to 60 months of supervision with 27 days jail, which was converted to 216 hours of community service. Exhibit 11.
- 3.14 On the renewal application form, there is a section titled Criminal History Statement. The section requires that the licensee respond to the following questions:

During the past 12 months have you:

- (1) Forfeited bail or paid a fine over \$25, excluding speeding, signal, sign, seatbelt, and right of way traffic signs?
- (2) Been arrested or charged with a crime?
- (3) Been convicted or jailed?
- (4) Been placed on probation or community service?
- (5) Are you subject to any warrants failure to appear charges [sic]?
- (6) Had a gambling license denied, suspended, or revoked?

If yes, provide a statement of explanation and attach it to this application.

- 3.15 The licensee checked "yes." Exhibit 5


- 3.15 On the statement of explanation, the claimant provided information about a seatbelt ticket. She did not disclose that she had been convicted or placed on probation and ordered to perform community service.
- 3.16 The Administrative Law Judge considered the files and records in this matter and found no apparent reason why the motion of the Gambling Commission should not be granted. Therefore, the Gambling Commission's motion shall be granted.

#### 4. ORDER

##### IT IS ORDERED:

- 4.1 Licensee is in DEFAULT.
- 4.2 Licensee's gambling license is hereby revoked, effective immediately, subject to further action by the Gambling Commission.
- 4.3 Licensee's Application for Hearing is dismissed.

Signed at Olympia, Washington, this 22<sup>nd</sup> day of April 2011.



Douglas H. Haake  
Administrative Law Judge  
Office of Administrative Hearings

#### NOTICE TO THE PARTIES OF APPEAL RIGHTS

You may file an appeal of this order within twenty three days from the day OAH mails this initial order to you. WAC 230-17-090(2); see also WAC 230 -17 -030(2), WAC 230 -17 -035(2) [Service by first class mail is complete three days after mailing.]. An appeal from an initial order is known as a "petition for review". Your petition for review should (a) identify the parts of the initial order you disagree with and (b) refer to the evidence in the record that supports your position. If you decide to petition for review, you must serve copies of your petition on all parties or their representatives at the same time you file it with the Gambling Commission. If the Commission does not receive a petition for review within 23 days, the Commission will automatically make this order its final order.

Any party may file a written response to a petition for review, known as a reply. If you wish to file a reply, it must be filed with the Commission within thirty days of the date you are served with the petition. You must serve copies of the reply on all parties or their representatives at the same time you file your reply.

Any party may file a cross appeal. Cross appeals must be filed with the commission within ten days of the date when the petition for review is filed with the Commission. WAC 230 -17 -090(5). If you wish to make a cross appeal, you must serve copies of the cross appeal upon all other parties or their representatives at the same time you file your cross appeal.

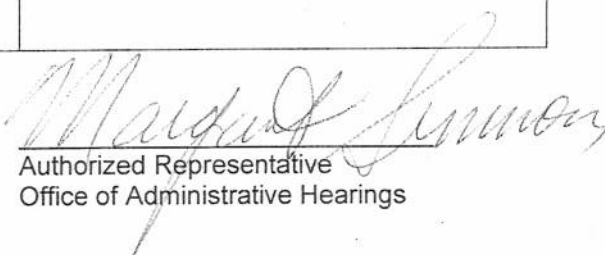
If a party timely files a petition for review, then at least a majority of the Commission members shall review the petition within 120 days and render a final order.

**Certificate of Service – OAH Docket No. 2011-GMB-0011**

I certify that true copies of this document were served from Olympia, Washington on the following as indicated.

Address:  Terri Tronson 2586 Mackenzie Rd Bellingham, WA 98226	First Class Mail, Postage Prepaid
Address:  Washington State Gambling Commission Communications and Legal Department PO Box 42400 Olympia, WA 98504-2400	First Class Mail, Postage Prepaid
Address:  H. Bruce Marvin Assistant Attorney General Office of the Attorney General PO Box 40100 Olympia, WA 98504-0100	First Class Mail, Postage Prepaid
Address:	
Address:	
Address:	

Date April 22, 2011

  
Authorized Representative  
Office of Administrative Hearings